

By: Hochberg

H.C.R. No. 73

CONCURRENT RESOLUTION

1 WHEREAS, RealAmerica Partners and Charles Zeller allege
2 that:

3 (1) Charles Zeller is a managing partner for
4 RealAmerica Partners;

5 (2) the Fay Tract is a 4.227-acre tract of land
6 situated in the P. W. Rose Survey, Abstract Number 645, Harris
7 County, Texas;

8 (3) in February 2002, RealAmerica Partners and Charles
9 Zeller submitted a proposal to purchase the Fay Tract from the
10 University of Houston System;

11 (4) in March 2002, the University of Houston System
12 accepted RealAmerica Partners' and Charles Zeller's bid of
13 \$3,200,000 for the purchase of the Fay Tract;

14 (5) the real estate sales contract had an effective
15 date of November 18, 2003;

16 (6) upon execution of the real estate sales contract,
17 RealAmerica was to tender \$25,000 in earnest money to be deposited
18 with Partners Title Company, and Charles Zeller wrote a check dated
19 January 22, 2004, to Partners Title Company for that amount;

20 (7) in a letter dated January 22, 2004, Brian S.
21 Nelson, the executive director for contracts administration and
22 associate general counsel for contract compliance for the
23 University of Houston System, stated that RealAmerica Partners had
24 breached the contract by failing to pay the earnest money and gave

1 notice of termination of the contract;

2 (8) RealAmerica Partners contends that RealAmerica
3 Partners has not breached the contract, that the University of
4 Houston System has breached the contract, and that the contract has
5 not been legally terminated;

6 (9) RealAmerica has requested that the University of
7 Houston System close the sale under the contract; and

8 (10) the University of Houston System has refused to
9 close the sale under the contract and RealAmerica Partners seeks
10 specific performance of the contract; now, therefore, be it

11 RESOLVED by the Legislature of the State of Texas, That
12 RealAmerica Partners and Charles Zeller are granted permission to
13 sue the State of Texas and the University of Houston System subject
14 to Chapter 107, Civil Practice and Remedies Code; and, be it further

15 RESOLVED, That the chancellor of the University of Houston
16 System be served process as provided by Section 107.002(a)(3),
17 Civil Practice and Remedies Code.